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EXAMINER
VEZERIS, JAMES A

ART UNIT	PAPER NUMBER
3693	

NOTIFICATION DATE	DELIVERY MODE
06/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

	Application No.	Applicant(s)
Office Action Summary	10/733,700	WATT ET AL.
	Examiner	Art Unit	
	JAMES A. VEZERIS	3693	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 March 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5,7-42 and 44-64* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5,7-42 and 44-64* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *4/08/2004, 4/6/2004, 3/28/2008*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Final Rejection

1.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Pre-Exam Formalities

2.   Examiner acknowledges that claims 6 and 43 were canceled leaving Claims 1-5, 7-42, and 44-64 left pending.

3.   Examiner acknowledges the amendments to claims 15, 17, 20, and 25-26 to overcome the claim objections. All claim objections are hereby withdrawn.

4.   In arguing the rejection of claim 25 the applicant states, "…claim 22 which has been rewritten to depend on claim 25." Claim 22, post amendment, takes language from the pre-amended claim 25, but is not dependent on claim 25. Rather claim 25 is dependent on claim 22. Examiner believes the argument was worded poorly and believes the record is now clarified.

Response to Applicant's Arguments

5.   Applicant's arguments with respect to claims 1-64 have been considered but are

moot in view of the new ground(s) of rejection based on amendments to the claims.

Detailed Action

Claim Rejections- 35 U.S.C. 103(a)

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
            obviousness or nonobviousness.

8.   Claims 1-5, 7-9, 16-21, 28-30, 32-42, 44-46, 51, 53-58 are rejected under 35

U.S.C. 103(a) as being unpatentable over US Patent 6,161,099 to Harrington et al. in

view of US Patent 5,905,975 to Ausubel. (Hereinafter "Ausubel")

Regarding Claim 1, 16, 28, 32, 38, and 53:

Harrington teaches an interest rate for a transacted financial instrument, the

method including:

publishing, via a computer network, information regarding the financial instrument

and an interest rate at which the financial instrument is offered; (See Harrington Fig 5,

Col 7 Lines 36-39)

receiving, via the computer network, offers from respective bidders to transact

the financial instrument, the offers being expressed as offered interest rates at which

the bidders are willing to transact the financial instrument; (See Harrington Col 9 Lines

24-36)

if it is determined that at least one of the offers satisfies the transaction criteria,

identifying the at least one of the offers as an accepted offer. (See Harrington Col 9

Lines 36-39)

Harrington fails to fully teach on the termination of a bid receiving process,

determining whether at least one of the offers satisfies transaction criteria, defined by a

seller of the financial instrument, the bid receiving process being a declining auction and

being characterized by reducing the published interest rate at which the financial

instrument is offered for sale during the bid receiving process;

Ausubel teaches on the termination of a bid receiving process, determining

whether at least one of the offers satisfies transaction criteria, defined by a seller of the

financial instrument, the bid receiving process being a declining auction and being

characterized by reducing the published interest rate at which the financial instrument is

offered for sale during the bid receiving process; (See Ausubel Col 13 "Example Two"

and Harrington Col 9 Lines 36-39)

It would be obvious to one skilled in the art to combine Ausubel and Harrington to

modify Harrington in a way to allow the invention in Harrington to do the termination of a

bid receiving process, determining whether at least one of the offers satisfies

transaction criteria, defined by a seller of the financial instrument, the bid receiving

process being a declining auction and being characterized by reducing the published

interest rate at which the financial instrument is offered for sale during the bid receiving

process.

There is motivation to do so because the reduction of the rate allows for a more

competitive bidding process.

Claims 16, 28, 32, 38, and 53 are rejected for analogous reasoning.

Regarding Claim 2:

Harrington further teaches the information concerning the financial instrument is

published from a server computer to a client computer via the computer network. (See

Harrington Col 6 lines 41-52)

Regarding Claim 3:

Harrington further teaches receiving the information regarding the financial

instrument from the seller. (See Harrington Col 6 lines 26-36)

Regarding Claim 4:

Harrington further teaches the information regarding the financial instrument

includes one or more of the following:

Price of the financial instrument, details about the financial instrument, maximum

or minimum term of the financial instrument, and benefits of purchasing the financial

instrument. (See Harrington Col 6 lines 26-36, Fig 15)

Regarding Claim 5:

Harrington further teaches the offers are received from the respective bidders at

the server computer from respective client computers operated by the bidders. (See

Harrington Col 6 Lines 41-52)

Regarding Claim 7:

Harrington further teaches the reducing of the published interest rate is

performed automatically by the server computer responsive to at least one of bidding

activity and lack of bidding activity. (See Harrington, Fig 10, Col 9 Lines 22-39)

Regarding Claim 8:

Harrington further teaches the reducing of the published interest rate is

performed by the server computer responsive to receipt of a lower interest rate that is

lower than the published interest rate. (See Harrington Col 9 Lines 22-39, Col 10 Lines

22-31) Examiner notes that the bids are all going through the server computer.

Regarding Claim 9:

Harrington further teaches the published interest rate is reduced to be equal to

the lower interest rate. (See Harrington Col 9 Lines 22-39, Col 10 Lines 13-21)

Regarding Claim 14:

Harrington further teaches the financial instrument comprises at least one of the

following:

an interest-paying (IP) financial instrument including one or more of the

following: a bond, a certificate of deposit, an interest-bearing checking

account, a savings account, and a money market account; and

an interest-receiving (IR) financial instrument including one or more of the

following: a home mortgage loan, an automobile loan, a personal loan, a

student loan, and a credit card. (See Harrington Col 6 Lines 10-26)

Regarding Claim 17:

Harrington further teaches:

placing the one or more bids at the second computer by one or more potential

buyers; (See Harrington Col 9 Lines 24-36)

receiving the one or more bids at the first computer by the seller. (See Harrington

Col 9 Lines 24-36) Examiner notes that once a bid is placed it gets passed onto the

seller's computer.

Regarding Claim 18:

Harrington further teaches the IP item comprises one or more financial

instruments including at least one of the following: a bond, a certificate of deposit,

an interest-beating checking account, a savings account, and a money market account.

(See Harrington Col 6 Lines 10-26)

Regarding Claims 19 and 56:

Harrington and Auzubel further teach the predetermined time is modified based

on at least one of the following factors: number of buyers reviewing the IP item, number

of bids received for the IP item, current interest rate, and selling price of similar or

related IP items in other declining auctions. (See Ausubel Col 13 "Example Two" and

Harrington Col 9 Lines 36-39)

It is obvious to combine Harrington and Ausubel. There is motivation to do so

because the framework for the system is already in place because of Harrington and the

resulting invention would increase bidding efficiency, leading to fair lending and

borrowing practices.

Regarding Claim 20:

Harrington further teaches the setting of the initial interest rate comprises at least

one of the following: setting the interest rate by the seller or automatically setting

the interest rate based on one or more factors including historical information

regarding IP items similar to the IP item, buyer input, maximum rate of the IP

item. (See Harrington Fig 15, Col 12 Lines 8-24)

Regarding Claim 21:

Harrington further teaches the first computer comprises a server computer

and the second computer comprises a server computer or a client computer. (See

Harrington Fig 15, Col 12 Lines 8-24) (See Harrington Col 6 lines 41-52)

Regarding Claim 29:

Harrington further teaches the server computer is further to receive the

information regarding the financial instrument from the seller. (See Harrington Col 6

lines 26-36)

Regarding Claim 30:

Harrington further teaches the published interest rate is performed automatically

by the server computer responsive to at least one of bidding activity and lack of bidding

activity. (See Harrington, Fig 10, Col 9 Lines 22-39)

Regarding Claim 33:

Harrington further teaches the first computer includes a client computer,

and the second computer includes a server computer in a client-server architecture.

(See Harrington Col 6 lines 41-52)

Regarding Claim 34:

Harrington further teaches the first computer includes a server computer,

and the second computer includes another server computer in a peer-peer architecture.

(See Harrington Col 6 lines 41-52)

Regarding Claim 35:

Harrington further teaches the respective computers operated by the bidders

include one or more client computers. (See Harrington Col 6 lines 41-52)

Regarding Claim 36:

Harrington further teaches the computer network includes a single network or a

plurality of networks including at least one of the following: a wide area network, a local

area network, an intranet, and the Internet. (See Harrington Col 6 lines 41-52, Fig 1)

Regarding Claim 37:

Harrington further teaches the first computer and the second computer each

comprises one or more processors including at least one of the following: one or more

microprocessors, one or more microcontrollers, one or more field programmable gate

arrays (FPGA), one or more application specific integrated circuits (ASIC), one or more

central processing units (CPU), and one or more programmable logic devices (PLD).

(See Harrington Col 6 lines 41-52) Examiner notes that it is inherent in Harrington

specification that his computer contain CPUs.

Regarding Claim 39:

Harrington further teaches the information concerning the financial instrument is

published from a server computer to a client computer via the computer network. (See

Harrington Col 6 lines 41-52)

Regarding Claim 40:

Harrington further teaches the sets of instructions which, when executed by the

machine, further cause the machine to receive the information regarding the financial

instrument from the seller. (See Harrington Col 6 lines 41-52)

Regarding Claim 41:

Harrington further teaches the information regarding the financial instrument

includes one or more of the following: price of the financial instrument, details about the

financial instrument, maximum or minimum term of the financial instrument, and benefits

of purchasing the financial instrument. (See Harrington Fig 15, Col 7 Lines 36-39)

Regarding Claim 42:

Harrington further teaches the offers are received from the respective bidders at

the server computer from respective client computers operated by the bidders. (See

Harrington Col 6 Lines 41-52)

Regarding Claim 44:

Harrington further teaches reducing of the published interest rate is performed automatically by the server computer responsive to at least one of bidding activity and a lack of bidding activity. (See Harrington, Fig 10, Col 9 Lines 22-39)

Regarding Claim 45:

Harrington further teaches the reducing of the published interest rate is performed by the server computer responsive to receipt of a lower interest rate that is lower than the published interest rate. (See Harrington Col 9 Lines 22-39, Col 10 Lines 22-31)

Regarding Claim 46:

Harrington further teaches the published interest rate is reduced to be equal to the lower interest rate. (See Harrington Col 9 Lines 22-39, Col 10 Lines 13-21)

Regarding Claim 51:

Harrington further teaches the financial instrument comprises at least one of the following:

an interest-paying (IP) financial instrument including one or more of the following: a bond, a certificate of deposit, an interest-bearing checking account, a savings account, and a money market account; and an interest-receiving (IR) financial instrument including one or more of the following: a home mortgage loan, an automobile loan, a personal loan, a student loan, and a credit card. (See Harrington Col 6 Lines 10-26)

Regarding Claim 54:

Harrington further teaches the sets of instructions which, when executed by the

machine, further cause the machine to:

place the one or bids at the second computer by one or more potential buyers;

(See Harrington Col 6 Lines 41-52)

receive the one or more bids at the first computer by the seller. (See Harrington

Col 6 Lines 41-52)

Regarding Claim 55:

Harrington further teaches the IP item comprises one or more financial

instruments including at least one of the following: a bond, a certificate of deposit, an

interest-bearing checking account, a savings account, and a money market account.

(See Harrington Col 6 Lines 10-26)

Regarding Claim 57:

Harrington further teaches the setting of the interest rate comprises at least one

of the following:

setting the interest rate by the seller or automatically setting the interest rate

based on one or more factors including historical information regarding IP items similar

to the IP item, buyer input, maximum rate of the IP item. (See Harrington Fig 15, Col 12

Lines 8-24)

Regarding Claim 58:

Harrington further teaches the first computer comprises a server computer and

the second computer comprises a server computer or a client computer. (See

Harrington Col 6 lines 41-52)

9.   Claims 10-13, 15, 23-24, 26, 27, 31, 47-50, 52, 60-61, 63, 64 rejected under 35

U.S.C. 103(a) as being unpatentable over Harrington in view of US Patent 5,905,975 to

Ausubel in further view of US PG-Pub 2002/0198814 to Bansal et al. (Hereinafter

"Bansal") in further view of "How an Auction Works" by bidshares.com.

Regarding Claim 10:

        Harrington, alone, fails to further teach that the bid receiving process is an

ascending auction, the method including increasing the published interest rate at which

the financial instrument is offered for sale during the bid receiving process. However,

Harrington combined with Bansal does. (See Harrington, Fig 10, Col 9 Lines 22-39,

Bansal Fig 4, Paragraph 109) Bansal teaches about an ascending auction, while

Harrington teaches the framework necessary to implement the ascending auction.

        Combining Bansal with Harrington is obvious. There is motivation to do so

because the framework for the system is already in place because of Harrington and the

resulting invention would increase bidding efficiency, leading to fair lending and

borrowing practices.

Regarding Claim 11:

        Harrington further teaches the ascension of the published interest rate is

performed automatically by the server computer responsive to at least one of bidding

activity and lack of bidding activity. (See Harrington, Fig 10, Col 9 Lines 22-39)

Examiner notes the simple change of coding necessary to publish the ascending

interest is trivial to accomplish.

Regarding Claim 12:

Harrington and Bansal further teaches the ascension of the published interest rates is performed by the server computer responsive to receipt of a higher interest rate that is higher than the published interest rate. (See Harrington, Fig 10, Col 9 Lines 22-39, Bansal section 2.3)

Combining Bansal with Harrington is obvious. There is motivation to do so because the framework for the system is already in place because of Harrington and the resulting invention would increase bidding efficiency, leading to fair lending and borrowing practices.

Regarding Claim 13:

Harrington further teaches the published interest rate is increased to be equal to the higher interest rate. (See Harrington, Fig 10, Col 9 Lines 22-39)

Regarding Claim 15:

Harrington further teaches the interest rate set by the seller for the transacted financial instrument comprises at least one of the following:

a maximum interest rate having a highest interest rate that the seller is willing to pay to a buyer for the IP financial instrument;

a minimum interest rate having a lowest interest rate that the seller is willing to accept from the buyer for the IR financial instrument. (See Harrington Fig 15, Col 7 Lines 36-39)

Regarding Claim 22 and 59:

Harrington and Bansal and Ausubel and How an Auction Works teaches a method, comprising:

setting an interest rate and a minimum interest rate for an interest-receiving (IR) item at a first computer coupled with a second computer over a network, the minimum rate includes a lowest interest rate that a seller is willing to accept from a buyer for the IP item; (See Harrington Fig 15, Col 7 Lines 36-39, Bansal Paragraph 109)

publishing the IP item for sale at the interest rate at the second computer; (See Harrington Fig 5, Col 7 Lines 36-39 Bansal Paragraph 109)

initiating an ascending auction to publish the IR item for sale at ascending interest rates at the second computer, responsive to bidding activity registered after the first computer; (See Harrington Col 9 Lines 24-36 Bansal Paragraph 109)

upon termination of the ascending auction based on a predetermined time that is modified based on a number of bids received for the IP item, determining whether one or more bids have been received at an interest rate higher than the minimum interest rate set at the first computer; (See Harrington Col 9 Lines 36-39 Bansal Paragraph 109 Ausubel and How an Auction Works "Why did the auction Extend after the closing time?")

if so, selecting a highest interest rate bid as a winning bid. (See Harrington Col 9 Lines 36-39 Bansal Paragraph 109)

Combining Bansal with Harrington with Ausubel with How an Auction Works is obvious. There is motivation to do so because the framework for the system is already in place because of Harrington and the resulting invention would increase bidding efficiency, leading to fair lending and borrowing practices.

Regarding Claim 23:

Harrington further teaches:

placing the one or bids at the second computer by one or more potential buyers;

(See Harrington Col 9 Lines 24-36)

receiving the one or more bids at the first computer by the seller. (See Harrington

Col 9 Lines 24-36)

Regarding Claim 26:

Harrington further teaches the setting of the interest rate comprises at least one

of the following: setting the interest rate by the seller or automatically setting the interest

rate based on one or more factors including historical information regarding IR items

similar to the IR item, buyer input, maximum rate of the IR item. (See Harrington Fig 15,

Col 12 Lines 8-24)

Regarding Claim 27:

Harrington further teaches the first computer comprises a server computer and

the second computer comprises a server computer or a client computer. (See

Harrington Fig 15, Col 12 Lines 8-24) (See Harrington Col 6 lines 41-52)

Regarding Claim 31:

Harrington and Bansal further teach the bid receiving process is an ascending

auction, the method including increasing the published interest rate at which the

financial instrument is offered for sale during the bid receiving process, the published

interest rate is performed automatically by the server computer responsive to at least

one of bidding activity and lack of bidding activity. (See Harrington, Fig 10, Col 9 Lines

22-39, Bansal Fig 4, Paragraph 109) Bansal teaches about an ascending auction, while
Harrington teaches the framework necessary to implement the ascending auction.

Combining Bansal with Harrington is obvious. There is motivation to do so
because the framework for the system is already in place because of Harrington and the
resulting invention would increase bidding efficiency, leading to fair lending and
borrowing practices.

Regarding Claim 47:

Harrington further teaches the bid receiving process is an ascending auction, the
method including increasing the published interest rate at which the financial instrument
is offered for sale during the bid receiving process. (See Harrington, Fig 10, Col 9 Lines
22-39) Examiner notes the simple change of coding necessary to publish the ascending
interest is trivial to accomplish.

Regarding Claim 48:

Harrington further teaches the ascension of the published interest rate is
performed automatically by the server computer responsive to at least one of bidding
activity and a lack of bidding activity.(See Harrington, Fig 10, Col 9 Lines 22-39)
Examiner notes the simple change of coding necessary to publish the ascending
interest is trivial to accomplish.

Regarding Claim 49:

Harrington further teaches the ascension of the published interest rates is
performed by the server computer responsive to receipt of a higher interest rate that is
higher than the published interest rate. (See Harrington, Fig 10, Col 9 Lines 22-39)

Regarding Claim 50:

Harrington further teaches the published interest rate is increased to be equal to the higher interest rate. (See Harrington, Fig 10, Col 9 Lines 22-39)

Regarding Claim 52:

Harrington further teaches the interest rate set by the seller for the transacted financial instrument comprises at one of the following:

a maximum interest rate having a highest interest rate that the seller is willing to pay to a buyer for the IP financial instrument; and

a minimum interest rate having a lowest interest rate that the seller is willing to accept from the buyer for the IR financial instrument. (See Harrington Fig 15, Col 7 Lines 36-39)

Regarding Claim 60:

Harrington further teaches the sets of instructions which, when executed by the machine, further cause the machine to:

place the one or bids at the second computer by one or more potential buyers; (See Harrington Col 9 Lines 24-36)

and receive the.one or more bids at the first computer by the seller. (See Harrington Col 9 Lines 24-36)

Regarding Claim 63:

Harrington further teaches the setting of the interest rate comprises at least one of the following: setting the interest rate by the seller or automatically setting the interest rate based on one or more factors including historical information regarding IR items

similar to the IR item, buyer input, maximum rate of the IR item. (See Harrington Fig 15,

Col 12 Lines 8-24)

Regarding Claim 64:

Harrington further teaches the first computer comprises a server computer and

the second computer comprises a server computer or a client computer. (See

Harrington Col 6 lines 41-52)

10.   Claims 24, 25, 61, and 62 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Harrington in view of Ausubel in further view of Bansal in further view

of How an Auction Works in further view of Tenembaum.

Regarding Claims 24 and 61:

Harrington, Bansal, Ausubel, How an Auction works, and Tenembaum further

teach the IR item comprises one or more financial instruments including at least one of

the following: a home mortgage loan, an automobile loan, a personal loan, a student

loan, and a credit card. (See Tenembaum Paragraph 46)

It is obvious to combine Harrington and Ausubel and Tenembaum and Bansal.

There is motivation to do so because the framework for the system is already in place

because of Harrington and the resulting invention would increase bidding efficiency,

leading to fair lending and borrowing practices.

Regarding Claim 25 and 62:

Harrington, Bansal, Ausubel, How an Auction works, and Tenembaum further

teach the predetermined time is modified based on at least one of the following factors:

number of buyers reviewing the IP item, current interest rate, and selling price of similar

or related IR items in other ascending auctions. (See Tenembaum Paragraph 215)

It is obvious to combine Harrington and Ausubel and Tenembaum and Bansal.

There is motivation to do so because the framework for the system is already in place

because of Harrington and the resulting invention would increase bidding efficiency,

leading to fair lending and borrowing practices.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMES A. VEZERIS whose telephone number is

(571)270-1580. The examiner can normally be reached on Monday-alt. Fridays

7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on 571-272-6803. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/   /JAMES A VEZERIS/
Supervisory Patent Examiner, Art Unit 3693   Examiner, Art Unit 3693

6/18/2008